

**TOWN OF BENNETT, COLORADO
BOARD OF TRUSTEES
Regular Meeting
June 23, 2020**

1. CALL TO ORDER

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, June 23, 2020 virtually via Zoom Link. Mayor Pro Tem Darvin Harrell called the meeting to order at 7:00 p.m. The following persons were present upon the call of the roll:

Mayor: Royce Pindell – *joined the meeting at 8:40 pm*

Trustees Present: Darvin Harrell
Whitney Oakley
Rich Pulliam
Denice Smith - *excused*
Donna Sus
Phyllis Webb

Staff Present: Trish Stiles, *Town Administrator*
Rachel Summers, *Deputy Town Administrator*
Taeler Houlberg, *Assistant to the Town Administrator*
Danette Ruvalcaba, *Director of Finance and Technology*
Sara Aragon, *Community Development Coordinator*
Deb Merkle, *Community Development Manager*
Dan Giroux, *Town Engineer*
Daymon Johnson, *Public Works Director*
Robin Price, *Assistant Public Works Director*
Steve Hebert, *Planning and Economic Development Manager*
Jerry Weller, *Utilities Specialist*
Melinda Culley, *Kelly P.C., Town Attorney*
Christina Hart, *Town Clerk*

Public Present: Steve Dazzio, Nichole Harrell, Steven Vetter, Charles Bayley, David Stockman, John Vitella, Tom Richardson

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro Tem Harrell.

3. APPROVAL OF AGENDA

TRUSTEE PULLIAM MOVED, TRUSTEE SUS SECONDED to approve the agenda presented. The voting was as follows:

YES: Oakley, Pulliam, Sus, Webb, Harrell

NO: None

EXCUSED: Pindell, Smith

The Mayor Pro Tem declared the motion carried by unanimous vote.

4. CONSENT AGENDA

TRUSTEE WEBB MOVED, TRUSTEE SUS SECONDED to adopt the consent agenda as presented.

YES: Pulliam, Sus, Webb, Harrell, Oakley

NO: None

EXCUSED: Pindell, Smith

The Mayor Pro Tem declared the motion carried by unanimous vote.

A. **Approval of Minutes**

Action: Approval of June 9, 2020 Regular Meeting Minutes.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no comments made by the public of items not on the agenda.

Mayor Pro Tem Harrell called for a recess at 7:07 pm.

TRUSTEE PULLIAM MOVED, TRUSTEE OAKLEY SECONDED to take a 5-minute recess.

The meeting resumed at 7:16 pm with Trustee Pulliam continuing the board meeting.

6. REGULAR BUSINESS

A. Public Hearing

1. **300 Bennett Avenue Annexation to the Town of Bennett and Initial Zoning for the Property. The initial zoning requested is C-General Commercial District.**

Resolution No. 828-20 – A Resolution Concerning a Petition for the Annexation for Property to the Town of Bennett, Colorado, Known as the 300 Bennett Avenue Annexation and Finding the Area Proposed to be Annexed Eligible for Annexation.

Ordinance No. 710-20 – An Ordinance Approving an Annexation Known as the 300 Bennett Avenue Annexation to the Town of Bennett, Colorado

Trustee Pulliam, called the matter of the 300 Bennett Avenue Annexation to the Town of Bennett to order. The public hearing was opened at 7:16 pm.

Christina Hart, Town Clerk, stated that in accordance with Colorado State Statute, notice of the public hearing was properly posted and published in the Eastern Colorado News on May 22, May 29, June 5 and June 12, 2020. Legal #2366.

Steve Hebert, Planning and Economic Development Manager, reported that the applicants, Tom Richardson and David Stockman of Dato Investments, LLC, are both present. The applicant has petitioned the Town of Bennett to annex a 1.5-acre parcel. The property is currently unincorporated and zoned A-3 in Adams County. The Board of Trustees adopted Resolution No. 820-20 determining the application was in substantial compliance with the state law and setting this public hearing.

Bennett Crossing, Brothers 4 subdivision, and Ash Street Townhomes directly east of the Horizon Condominiums and it surround the property. The property is contiguous with the incorporated town boundaries on all four sides.

Town water, sewer and storm water infrastructure can be extended to serve the property. Bennett-Watkins Fire Rescue will provide service to the property. Utility and service providers will include IREA, Colorado Natural Gas, Eastern Slope Rural Telephone Association and the Bennett Parks and Recreation. Law enforcement will be provided by Adams County Sheriff's Office.

The annexation of the property is consistent with the Town's Comprehensive Plan. The property has many services in place nearby. Future extension of streets and utilities will be at the developer's expense. Dato Investments, LLC, will be required to provide a detailed storm water plan at the time of subdivision, subject to the Town's storm water policies and standards.

Staff recommends the Board of Trustees approve Resolution No. 828-20 finding the area proposed to be eligible for annexation and to approve Ordinance No. 710-20 the annexation of the 300 Bennett Avenue property. Staff also recommends the Board of Trustees approve Resolution No. 833-20 approving and annexation agreement for the 300 Bennett Avenue annexation.

Tom Richardson, Dato Investments, LLC, 3250 Windridge Circle, Highlands Ranch, Colorado, 80126, expressed his gratitude to Town Staff for their help and assistance for the annexation. They are excited to move this property from Adams County into the Town of Bennett.

Public Comments

There were no public comments presented.

Trustee Pulliam closed the matter of the 300 Bennett Avenue Annexation to the Town of Bennett at 7:35 p.m.

During Trustee comments, Town Clerk, Christina Hart, provided a response on behalf of Mayor Pindell regarding the annexation and zoning of 300 Bennett Avenue.

"In the matter of annexation and zoning of 300 Bennett Ave. I am not in favor of this being zoned as commercial property. This property is outside of existing commercial zoning and Bennett Avenue is not designed for commercial traffic. I do not believe the existing residences surrounding this property were made aware of this zoning with this annexation. This has been a residence and horse property next to our town for several decades, to suddenly zone it as a commercial property with all of the problems and considerations of any business is outside the scope of the comprehensive plan to provide proper and appropriate zoning for our Town. As I may not be able to attend this meeting promptly at 7, please convey my concerns and my opinion on this matter to my fellow Board members"

*Respectfully
Mayor Royce Pindell*

TRUSTEE WEBB MOVED, TRUSTEE SUS SECONDED, to approve Resolution 828-20 - A Resolution Concerning a Petition for the Annexation of Property to the Town of Bennett, Colorado, Known as the 300 Bennett Avenue Annexation and Finding the Area Proposed to be Annexed Eligible for Annexation. Voting was as follows:

YES: Sus, Webb, Harrell, Oakley, Pulliam
NO: None
EXCUSED: Pindell, Smith

Trustee Pulliam declared the motion carried by unanimous vote.

TRUSTEE OAKLEY MOVED, TRUSTEE SUS SECONDED, to approve Ordinance No. 710-20 – An Ordinance Approving an Annexation Known as the 300 Bennett Avenue Annexation to the Town of Bennett. Voting was as follows:

YES: Webb, Harrell, Oakley, Pulliam, Sus
NO: None
EXCUSED: Pindell, Smith

Trustee Pulliam declared the motion carried by unanimous vote.

MAYOR PRO TEM HARRELL MOVED, TRUSTEE WEBB SECONDED, to approve Resolution No. 833-20 – A Resolution approving an Annexation Agreement for the 300 Bennett Avenue Annexation. Voting was as follows:

YES: Harrell, Oakley, Pulliam, Sus, Webb
NO: None
EXCUSED: Pindell, Smith

Trustee Pulliam declared the motion carried by unanimous vote.

2. 300 Bennett Avenue Zoning

Ordinance No. 711-20 – An Ordinance Zoning Property Annexed to the Town of Bennett and Known as the 300 Bennett Avenue Annexation

Steve Hebert, Planning and Economic Development Manager, reported to the Trustees that as part of the annexation process, the property owner has applied for zoning the property 300 Bennett Avenue to C – General Commercial.

The area surrounding 300 Bennett Avenue is a mix of residential, commercial and public zoned districts and land uses. The requested zoning of 300 Bennett Avenue as C – General Commercial, allows a variety of commercial uses, including office, retail, general services, as well as food and beverage services.

The zoning will go into effect upon approval of the Trustees. All future uses will require Site Plan review and approval.

Staff finds the proposed C – General Commercial zoning allows several uses that may complement and support the neighborhood. The Zoning is consistent with the land use code. During site plan review, the Town will have the opportunity to apply the Bennett Design Guidelines.

Staff recommends the Trustees approve Case No. 20.11 to zone the subject property C – General Commercial.

Public Comments

There were no public comments presented.

Trustee Comments

Trustee Sus, asked the developers to share their ideas for development. Tom Richardson, advised the Trustees of a couple of primary ideas for development as high-density residential or a potential self-storage concept.

Mayor Pro Tem Harrell inquired about a time frame for development. Tom Richardson explained after following Town procedures, development could happen within 6 – 12 months.

Trustee Oakley, asked if the applicant would be required to re-zone the subject property should Dato Investments, LLC decide to re-zone the property from C- General Commercial to residential. Dave Stockman, Dato Investments, LLC shared that their primary purpose is to develop 300 Bennett Avenue as C – General Commercial.

Trustee Pulliam asked staff if the subject property could be re-zoned with conditions. Melinda Culley, Town Attorney, recommended the property not be re-zoned with conditions as that is outside the Trustees scope of authority in this matter.

Trustee Pulliam asked Town Clerk, Christina Hart, to re-read the message from the Mayor regarding the zoning.

Trustee Pulliam respectfully disagreed with the Mayor's statement that it is outside the scope of the comprehensive plan as a mixed-use area.

Trustee Pulliam closed the matter of the 300 Bennett Avenue zoning at 8:10 p.m.

PRO TEM HARRELL MOVED, TRUSTEE WEBB SECONDED, to adopt Ordinance No. 711-20 – An Ordinance Zoning Property Annexed to the Town of Bennett and Known as the 300 Bennett Avenue Annexation. Voting was as follows:

YES: Harrell
NO: Oakley, Pulliam, Sus, Webb
EXCUSED: Pindell, Smith

Trustee Pulliam declared the motion failed.

B. Action/Discussion

1. First Amendment to Intergovernmental Agreement Between the Town of Bennett, Colorado and Bennett Crossing Metropolitan District Nos. 1-3

Resolution No. 835-20 – A Resolution Approving the First Amendment to Intergovernmental Agreement between the Town of Bennett, Colorado and Bennett Crossing Metropolitan District Nos. 1-3

Trish Stiles, Town Administrator, reported to the Board of Trustees, the Intergovernmental Agreement (IGA) before them is a request to amend the Bennett Crossing Metropolitan District Nos. 1-3. The developer has constructed certain regional storm drainage facilities to serve the property owners within the Districts. The metropolitan districts will maintain and operate the storm drainage facility within the boundaries of the Districts that use the storm drainage facilities.

PRO TEM HARRELL MOVED, TRUSTEE OAKLEY SECONDED, to approve Resolution No. 835-20 - A Resolution Approving the First Amendment to Intergovernmental Agreement between the Town of Bennett, Colorado and Bennett Crossing Metropolitan District Nos. 1-3. Voting was as follows:

YES: Oakley, Pulliam, Sus, Webb, Harrell
NO: None
EXCUSED: Pindell, Smith

Trustee Pulliam declared the motion passed by unanimous vote.

2. Muegge Farms Filing No. 4 Subdivision Agreement

Resolution No. 829-20 – A Resolution Approving a Subdivision Agreement for Muegge Farms Filing No. 4

Rachel Summers, Deputy Town Administrator, reported to the Board of Trustees, there have been several changes to the original Subdivision Agreement for Muegge Farms, Filing No. 4. Staff has determined the Trustees should review and act on the updated draft. The following changes are:

- Removed Prepaid Requirement for 1.0m Gallon Water Storage Tank.
- Removed Prepaid Requirement for Two Additional Groundwater Wells.
- Requires Oakwood to pay \$850,000 for one Groundwater well to be prepaid at the 50th Building Permit. The Town will construct the well and agrees to reimburse Oakwood for these costs as a credit against water development fees; the prior agreement terms also required the Town to reimburse for Oakwood-prepaid Regional water improvements.
- Defers some Off-Site Storm Drainage grading to the next filing for Muegge Farms, without proposing any reduction in the storm water pond volume and without change to the pond operation or function.
- Defers the final storm water pond-area Storm Drainage Box Culvert from Regional Planning.
- Prepaid Design Cost will be Credited 100% towards the Water Development Fee, consistent with the previous agreement, but with slight modification to the reimbursement terms.

Staff recommends approval to authorize the Mayor to execute the final subdivision agreement. Staff finds the revision continue to uphold the Town's infrastructure standards, and has confirmed that all off-site improvement requirements meet the development need, and it protect future development and assets for the Town.

PRO TEM HARRELL MOVED, TRUSTEE SUS SECONDED, to approve Resolution No. 829-20 - A Resolution Approving a Subdivision Agreement for Muegge Farms Filing No. 4. Voting was as follows:

YES:	Pulliam, Sus, Webb, Harrell, Oakley
NO:	None
ABSTAINED:	Pindell
EXCUSED:	Smith

Trustee Pulliam declared the motion passed.

3. RPF 20-009 Centennial Drainage Project

Resolution No. 834-20 – A Resolution Approving a Contract with Kuhn Construction, Inc. for the Centennial Subdivision Drainage Project

Robin Price, Assistant Public Works Director, reported to the Trustees that the Centennial Drainage Project RFP 20-009 was issued on June 1, 2020 remaining open until June 15, 2020.

During the bidding, process the Town received bids from one contractor. The lone bid came from Kuhn Construction, Inc. The bid includes all items for the drainage work and concrete work. The bid for the project is \$59,977.10.

Centennial Park is a pocket park located at the intersections of Madison and Hancock in the Centennial Subdivision. The park serves as a playground, sitting area, and acts as the main drainage for the street. The current drainage capacity is not able to handle the volume of water coming in from the street. The result is flooding the playground area, mulch, rock and plant beds. Homes adjacent to the park have incurred yards flooded as well. The drainage is currently designed with cobble, but the cobble is being moved and relocated resulting in "dams" and vandalism to irrigation equipment.

The project includes, but is not limited to, removing the existing cobble. The cobble will be reused, but the use is yet to be determined. The existing drainage swale will be excavated and the drain will be widened by adding a 2x6" concrete drain pan which can be cleaned out. Two concrete bridges will be removed. An additional bridge will create a path to the clock and a 10x10 shade of the tree. The scope will also include a 42" CMP x 40' depth dry infiltration well. The cobble will be replaced with grout so the cobble cannot be removed or relocated. The current drain exits to the south roadside ditch off Colfax. The scope also includes cleaning and re-grading the CDOT, roadside ditch and adding a culvert outfall 3'x5' riprap splash pad. The project also includes a 10x10 pad under the shade tree for additional bench seating.

Kuhn Construction, Inc. has a working history with the Town of Bennett and Staff is confident to recommend Kuhn Construction, Inc. for the Centennial Drainage Project.

MAYOR PINDELL MOVED, MAYOR PRO TEM HARRELL SECONDED, to approve Resolution No. 834-20 - A Resolution Approving a Contract with Kuhn Construction Inc. for the Centennial Drainage Project in an amount not to exceed \$59,977.10. Voting was as follows:

YES: Sus, Webb, Harrell, Oakley, Pindell, Pulliam

NO: None

EXCUSED: Smith

Trustee Pulliam declared the motion passed.

4. 2019 Town of Bennett Audit

Resolution No. 830-20 – A Resolution Accepting the 2019 Audit for the Town of Bennett

MAYOR PINDELL MOVED, MAYOR PRO TEM HARRELL SECONDED, to approve Resolution No. 830-20 - A Resolution Accepting the 2019 Audit for the Town of Bennett. Voting was as follows:

YES: Webb, Harrell, Oakley, Pindell, Pulliam, Sus

NO: None

EXCUSED: Smith

Trustee Pulliam declared the motion passed.

7. TOWN STAFF REPORTS

Town Administrator

Trish Stiles, Town Administrator provided the following report;

- A list of Board retreat date options will be sent to the Trustees.
- The resignation of the Town Traffic Engineer Mike Rocha, SM Rocha, was submitted to the Town. Staff has begun interviews for the Traffic Engineer position. Two companies Apex and SEH (Short Elliott Hendrickson) have been considered. The Town will enter into an agreement with Apex as it relates to the development application. The agreement with Apex will include referrals comments, review of traffic reports. SEH has credibility with CDOT and will assist the Town on a project basis. SEH is currently working on the signalization of Marketplace Drive.
- Attended the ADCOG Sub-Regional Forum via Zoom.
- Exit 304 ramp work is complete.
- Arapahoe County issued another public health order.
- Continuing to look at the parameters and guidelines in re-opening the community center as well as the Town Hall Community Room.
- Protect Our Neighbors phase will be released soon.
- Special Meeting scheduled June 30, 2020 at 5:45 pm.

Assistant to the Town Administrator

Taeler Houlberg, Assistant to the Town Administrator provided the following report;

- Looking at ways to adapt the Arts Council program
- Virtual concert scheduled for June

Public Works Director

Daymon Johnson, Public Works Director; provided the following information;

- Trustee Webb gave kudos to Staff for Town Clean up Day.
- Mosquito Authority has entered into an agreement with the Town to apply 3 – 5 applications at the parks. The Town no longer fogs for mosquitos. Fogging is not effective and leaves behind a chemical residue on surfaces. Public Works have briquettes residents can pick up for their yards.
- The Town does not treat the yards of residents.

8. TRUSTEE COMMENTS AND COMMITTEE REPORTS

Whitney Oakley

Trustee Oakley provided the following report:

- Was unable to attend the I-70 Chamber of Commerce meeting due to schedule conflicts.

Darvin Harrell

Mayor Pro Tem Harrell reported the following;

- Trucks are still parking on Marketplace Drive. Can the Town Code Enforcement Officer issue parking tickets?

Royce Pindell

Mayor Royce Pindell reported on the following:

- Offered regrets on behalf of Trustee Smith who was unable to attend tonight's Board meeting.
- Offered thanks to Staff for Clean-Up Day and the assistance offered to residents.
- Unable to attend Arapahoe County breakfast call due to schedule conflict.
- Thanked Trustee Pulliam for filling in at tonight's board meeting.

Donna Sus

Trustee Sus reported on the following;

- Graffiti was discovered at the trailhead at in the Centennial Subdivision.

Rich Pulliam

Trustee Pulliam reported on the following;

- The Water Committee will be presenting to the Board of Trustees in the very near future.

ADJOURNMENT

MAYOR PINDELL MOVED, TRUSTEE SUS SECONDED to adjourn the meeting. The meeting was adjourned at 9:38 p.m. Voting was as follows:

YES: Harrell, Oakley, Pindell, Pulliam, Sus, Webb
NO: None
EXCUSED: Smith

The Mayor declared the motion carried by unanimous vote.



Royce D. Pindell, Mayor



Christina Hart
Town Clerk